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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/677,677

10/02/2003

Michael Andrew Miner

A1492

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10/03/2007

RICHARD E. BACKUS

2792 PILLSBURY WAY

WELLINGTON, FL 33414-3408

EXAMINER

ALMATRAHI, FARIS S

ART UNIT

PAPER NUMBER

3609

MAIL DATE

DELIVERY MODE

10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/677,677

Applicant(s)

MINER, MICHAEL ANDREW

Examiner

Faris Almatrahi

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/02/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1. **Claims 1-9** are pending in this application.
2. If applicant is aware of any prior art or any co-pending application not already on record, the applicant is reminded of his/her duty under 37 C.F.R §1.56 to disclose the same.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A single claim which claims both a system and the method steps is rejected under 35 U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101. Claim 1 is directed to a method and overlaps disclosure of a system "a control system which is enabled to receive, process and display information on a website".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-2 and 5-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. **Claim 1** recites the limitation "information comprising the code" and **Claim 2** recites the limitation "storing the code". There is insufficient antecedent basis for this limitation in the claim. Applicant specified "identification codes" in claim 1 and then broadened the limitation by disclosing "the code" in claim 1 and in claim 2. It is unclear as to what "code" the applicant is referring to.

7. **Claim 5** recites the limitations "additional information". There is insufficient antecedent basis for this limitation in the claim. Applicant did not specify as to what "additional information" he is referring to.

8. **Claim 6-8** recites the limitation "a pre-established rule". There is insufficient antecedent basis for this limitation in the claim. Applicant did not specify disclosure of a "pre-established rule" and the limitation can be interpreted to read on any set of rules. It is unclear as to what the applicant is referring to.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-2 and 4-8** are rejected under 35 U.S.C 103(a) as being unpatentable over Rogan et al. (US Publication No. 20010056372) in view of Clarke-Bolling et al. (US Patent No. 5,392,983).

11. Regarding Claim 1, Rogan discloses a method for sending gifts marked with identification codes, providing a control system which is enabled to receive, process and display information on a website that is accessible to the users from the internet, receiving a first input of information into the control system from a first user, the first input of information comprising the code that is marked on the particular gift with first data provided by the first user (Abstract, Figure 1, Figure 3), receiving a second input of information into the control system from a second user to which the gift has been sent, the second input of information comprising the code that is marked on the gift with second data input provided by the second user (Abstract, Figures 1-3, Paragraph [0047]), displaying the first and second data on the website (Figure 1). Rogan fails to explicitly disclose providing to users wraps for gifts.

12. However, Clarke-Bolling discloses a reusable gift wrapping material (Abstract).

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13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Clarke-Bolling in the device of Rogan reference to include providing to users wraps for gifts, for the advantage of providing customers with wraps that fits a variety of box sizes and shapes (Clarke-Bolling, Column 1 lines 66-68).

14. Regarding Claim 2, Rogan discloses a method comprising storing the code and first and second data in a database, sorting the first and second data in associated relationships with the code (Paragraph [0009]), and displaying on a website first and second data associated with the code of the particular gift (Paragraphs [0009] and [0042]).

15. Regarding Claim 4, Rogan discloses receiving the first input of information from the first user is carried out by receiving the first data which comprises a name associated with the first user together with a name associated with the second user to which the particular package is being sent (Figures 3-4).

16. Regarding Claims 5-8, Rogan discloses receiving inputs of additional information comprising additional data input from additional user to whom the particular package have been sent, and enabling users to access the information on the website (Abstract, Paragraph [0009], Paragraph [0042]).

17. **Claim 3** is rejected under 35 U.S.C 103(a) as being unpatentable over Rogan et al. (US Publication No. 20010056372) in view of Clarke-Bolling et al. (US Patent No. 5,392,983) further in view of Rudolph et al. (US Publication No. 2006/0119471 A1).

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18. Regarding Claim 3, Rogan fails to disclose a method providing a tracking subsystem, enabling the tracking subsystem to access the database, receiving an input into the tracking subsystem of a request for a track history of the transfer of the particular wrap between the first and second users, and displaying the track history on the website.

19. However, Rudolph discloses a method providing a tracking subsystem, enabling the tracking subsystem to access a database (Figure 1, Paragraph [0019]), receiving an input into the tracking subsystem of a request for a track history of the transfer of the particular wrap between the first and second users (Paragraph [0019]), and displaying the track history on the website (Paragraph [0022]).

20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Rudolph in the device of Rogan reference to include providing a tracking subsystem, enabling the tracking subsystem to access the database, receiving an input into the tracking subsystem of a request for a track history of the transfer of the particular wrap between the first and second users, and displaying the track history on the website, for the advantage of providing computer systems and database systems to facilitate handling, tracking and control of packaged products (Rudolph, paragraph [0002]).

21. **Claim 9** is rejected under 35 U.S.C 103(a) as being unpatentable over Rogan et al. (US Publication No. 20010056372) in view of Clarke-Bolling, et al. (US Patent No. 5,392,983) further in view of Dutta et al. (US Patent No. 6,433,732).

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22. Regarding Claim 9, Rogan fails to disclose a method comprising a GPS chip which radiates emf location signals which are indicative of the chip's geographic location, and further comprising the steps of receiving the location signals, storing in a database a track history of the geographic locations of the chip, and displaying the track history on the website.

23. However, Dutta discloses a method in which a package includes a GPS item locator that determines the location of the item being shipped, storing in a database a track history of the geographic locations and displaying the track history on a website (Abstract, Column 6 lines 1-39).

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Dutta in the device of Rogan reference to include a method comprising a GPS chip which radiates emf location signals which are indicative of the chip's geographic location, and further comprising the steps of receiving the location signals, storing in a database a track history of the geographic locations of the chip, and displaying the track history on the website, for the advantage of providing computer systems and database systems to facilitate handling, tracking and control of packaged products.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571) 270-3326. The examiner can normally be reached on Monday to Thursday 8AM-4:30PM.

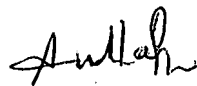
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on (571) 272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Faris Almatrahi
Examiner
Art Unit 3609

FA


AKM ULLAH
SUPERVISORY PATENT EXAMINER